

Exhibit D

Exhibit D

" D "

BBB

INMATE: Hollis CDC #: E-37508 CDC HOUSING: D1-220

THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR
RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- Duplicate Appeal; Same Issue
- Do Not Combine Staff Complaints with Other Issues
- Time Constraints Not Met
- Cannot Submit On Behalf Of another Inmate
- No Significant Adverse Effect Demonstrated
- Pointless Verbiage/Appeal is vague
- Incomplete 602
- Attempting to Change Original Appeal Issue
- Not Authorized to Bypass Any Level
- Request for Interview; Not an Appeal
- Numerous and separate issues
- Limit of One Continuation Page May Be Attached
- Inappropriate Statements
- Action / Decision Not Taken By CDCR
- DRB Decisions Are Not Appealable
- Appealing Action Not Yet Taken
- May Submit One (1) Non-Emergency Appeal Per Week
- Not A Request Form; Use CDCR-7362 - to access Medical Services, submit your request on a CDCR-Form 7362. If necessary, sign up for sick call.
- Write your appeal in black or blue ink, this is a legal document and pencil/inks other than black or blue do not copy legibly

RET'D JAN 25 2006

PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS

Comments: You may write on back of this form to clarify or respond to the above.

Why do you want a 115

reheard that you were found
'not guilty' for?

Staff complaints need to be separate
from other complaints.

Please refrain from utilizing legal jargon
in your appeal, it makes it difficult for
me to understand your problem: Action wanted.

monetary compensation is outside the scope
of the Appeals process


Eloy Medina, CC-II
Appeals Coordinator

Date: 12/17/05
1-18-06

his screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on separate piece of paper, or use the back of this screen out - do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

STATE OF CALIFORNIA

INMATE/PAROLEE
APPEAL FORM
CDC 602 (12/87)

Location: Institution/Parole Region

1. SVSP-1

Log No.

1. (4) 01444

Category

1

2. _____

2. _____

CROSS

You may appeal any policy, action or decision which has significant adverse affect upon you. With the exception of Serious IISs, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the support documents and not more than one additional page of comments to the Appeal Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

D-05-06-0010, DIV F, SHD SALAZAR

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARYIN HOLLIS	E-37508	* Adl-SPG *	D-1-220

A. Discuss Problem: this complaint is filed against salinas valley state prison warden M. EVANS, SERGEANT D. CAPLAN, AND LT. G.R. SALAZAR. I WAS DENIED WITNESSES AT MY DISCIPLINARY HEARING IN RELATION TO RVR#FD-05-06-0010 IN VIOLATION OF CCR. 3315(P17)(12)3141. SGT. D. CAPLAN, FABRICATED HIS REPORT RVR#FD-05-06-0010 FALSELY ACCUSING ME OF VIOLATING CCR. 3012 ATTEMPTING TO FRAUD S.V.S.P. IN RETALIATION AND REPRISAL FOR MY USE OF THE CDCR 602 PRISON GRIEVANCE SYSTEM. SUBMITTING APPEAL LOG# SVSP-D-05-00965 AND SVSP-D-04-04642. SGT. D. CAPLAN FALSELY CHARGED MY 1ST AMENDMENT RIGHT TO FILE IF YOU NEED MORE SPACE, ATTACH ON ADDITIONAL SHEET. * (SEE ATTACHMENTS) *

A. Action requested: THAT RVR#FD-05-06-0010 BE ORDERED REISSUED/REHEARD PURSUANT TO CCR. 3084.5(h)(2), TO KNOW WHY RETALIATION AND REPRISAL WAS TAKEN AGAINST ME AND WHY I WAS FALSELY CHARGED FOR VIOLATING CCR.3012 ATTEMPTING TO FRAUD THE STATE, AWARDED COMPENSATORY AND PUNITIVE DAMAGES OF \$2,500.00 OR WITH LOCAL RESOURCES TO RESOLVE THE MATTER ADMINISTRATIVELY.

Inmate/Parolee Signature: Maryin HollisDate Submitted: 11-21-05

B. INFORMAL LEVEL: Date Received: _____

Staff Response: _____

BYPASS

Staff Signature: _____

Date Returned to Inmate: _____

C. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC IIS, Investigators Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control Form BC-1E, Inmate Claim.

CDC Appeal Number: _____

PRISON GRIEVANCES AND HAD A CHILLING EFFECT. SGT. CAPLAN, RETALIATION OR RETALIATORY ACTION ADVANCE NO LEGITIMATE PENALOGICAL INTEREST. SGT. CAPLAN, RETALIATION AND REPRISAL FOR MY "PRIOR" USE OF THE GRIEVANCE SYSTEM ALSO VIOLATED CCR. 3084.1(c) AND 3391. PURSUANT TO CCR. 3391(c) IN PART, EMPLOYEES SHALL BE ALERT, COURTEOUS, AND PROFESSIONAL IN THEIR DEALINGS WITH INMATES AND IRRESPONSIBLE OR UNETHICAL CONDUCT OR CONDUCT REFLECTING DISREPUTE ON THEMSELVES OR THE DEPARTMENT SHALL BE AVOIDED BY ALL EMPLOYEES. SGT. CAPLAN, DEFAMED ME BY MAKING HIS FALSE ALLEGATIONS CHARGING ME WITH ATTEMPTING TO FRAUD THE STATE. THIS ALLEGATION WAS WILLFUL, OPPRESSIVE, AND ANNOYING. THIS COMPLAINT IS SUBMITTED AS A EMPLOYEE MISCONDUCT APPEAL PURSUANT TO ADMINISTRATIVE BULLETIN 98/10. I NOTIFYED M. EVANS, OF SGT. D. CAPLAN, REPRISAL AND RETALIATION AGAINST ME IN WHICH HE FAILED TO TAKE MY ACTION AND ALLOWED THE FALSE CHARGE TO GO FORWARD AND ALLOWED D. CAPLAN, TO VIOLATE ██████ INFRINGE MY 1ST AMENDMENT RIGHT. M. EVANS BREACHED A DUTY OF CARE,

* (OVER ON BACK) *

* (challenge to screening form) *

1-10-06

TO: E.MEDINA CC: LORM.EVANS, MM.L.D.

FROM: HOLLIS, E-37508 D-1-220

RE: (NGO v. Wood/Forc) 403 F.3d 620 (7th Cir. (2005))

SIR, YOUR SCREENING FORM IS INACCURATE. MY APPEAL WAS ASSIGNED FOR A 2nd LEVEL OF REVIEW WITH A DUE DATE OF 1-4-06. I REQUESTED FOR THE RVR TO BE REISSUED/REHEARD BECAUSE MY PROCEDURAL AND DUE PROCESS RIGHTS WERE VIOLATED AND PER CCR. 3084.5(h)(2) IF THE PROCESS IS VIOLATED THE ORIGINAL DISPOSITION SHALL BE VACATED. I HAVE A RIGHT UNDER CALIFORNIA LAW TO MAKE A STAFF COMPLAINT AND PER DEPARTMENTAL POLICY ADMINISTRATIVE BULLETIN 98/10.3RC1, MY ISSUE ADDRESSED IS CLEAR AND COMPREHENSIVE AND I HAVE A RIGHT TO FREEDOM OF SPEECH, EXPRESSION AND A RIGHT TO PETITION THE GOVERNMENT ~~FOR~~ FOR REDRESS OF GRIEVANCES. 4th, I CAN REQUEST ANY ACTION I WANT WHICH YOU HAVE AN OPTION TO GRANT, PARTIALLY GRANT, OR DENY. YOUR SCREENING FORM WAS GENERATED IN BAD FAITH AND APPEARS TO ATTEMPT TO SHIELD AND

* (OVER ON BACK) *



INMATE APPEAL ROUTE SLIP

To: CDW/LUMAN

Date: November 30, 2005

From: INMATE APPEALS OFFICE

Re: Appeal Log Number SVSP-D-05-04494 By Inmate HOLLIS, E37508

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: DISCIPLINARY

Due Date: 01/04/2006

Special Needs:

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / J. LUMAN, LT
Appeals Coordinator
Salinas Valley State Prison

RECD JAN 17 2006

804 to Records:

Date:

STATE OF CALIFORNIA

RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

MLPD

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE 7/2/2082	INST. SVSP	HOUSING NO. D6-127	LOG NO. D0-05-06-1011
VIOLATED RULE NO(S). CCR §3012	SPECIFIC ACTS Attempting to Fraud S.V.S.P.	LOCATION D6-127	DATE 06/07/05	TIME hours	
CIRCUMSTANCES					

On 06/07/05, it was noticed that Inmate HOLLIS (E-37508)(D6-127), had two Appeals pending, a first level: Log Number SVSP-D-04-04642, and a second level Log number SVSP-D-05-00965. Both Appeals were in regards to a radio. The first level stated that his radio was lost by staff when he was placed into Administrative Segregation. It was denied due to the lack of evidence at the first level. On December 30, 2004 Inmate HOLLIS was interviewed regarding his missing radio to bring closure to his appeal. At this time he still claimed that his radio was missing. On January 04, 2005 Inmate HOLLIS claims that his missing radio was damaged due to plumbing problems. This radio was, according to him missing 4 days prior in an interview. This action is clearly fraud. Inmate HOLLIS is attempting to fraud the state. Inmate HOLLIS own statement of not having a radio in his possession and then filing a 602 appeal stating that it was damaged as a result of plumbing is clearly a violation of the above CCR number. Inmate HOLLIS is a participant in the Mental Health Service Delivery System. At a COOMS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) D. Celaya, Correctional Sergeant	DATE 6/15/05	ASSIGNMENT D-Yard Sgt.	RDO'S S/M	
REVIEWING SUPERVISOR'S SIGNATURE	DATE 6/15/05	□ INMATE SEGREGATED PENDING HEARING		
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: F	CLASSIFIED BY (Typed Name and Signature) D. Celaya	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC	
COPIES GIVEN INMATE BEFORE HEARING				
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) E. Luttrell	DATE 6/16/05	TIME 11:00	TITLE OF SUPPLEMENT Copy of Appeal Log # SVSP-D-04-04642 Copy of Appeal Log # SVSP-D-05-00965
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) D. E. Peery	DATE 10/13/05	TIME 0830	BY: (STAFF'S SIGNATURE) S. Salazar
HEARING				DATE 10/13/05

Plea: Inmate HOLLIS entered a Not Guilty plea to the charges.

Findings: Inmate HOLLIS was found NOT GUILTY of CCR § 3012, specifically "ATTEMPTING TO FRAUD", A Division "F" Offense.

Disposition: All charges dismissed in the interest of justice.

Additional Disposition: N/A

Classification Referral: N/A

(Disposition continued on CDC-115C)

REFERRED TO CLASSIFICATION BPT/NAEA

ACTION BY: (TYPED NAME) G. R. SALAZAR, CORRECTIONAL LIEUTENANT	SIGNATURE D. R. Salazar	DATE 10/19/05	TIME 0828
REVIEWED BY: (SIGNATURE) J. LEWIS, FACILITY CAPTAIN	DATE 11/11/05	CHIEF DISCIPLINARY OFFICER'S SIGNATURE D. TRAVERS, J.W.	DATE 11/15/05
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) C. Welcomb	DATE 11/16/05	TIME 1910

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-05-05-0010	INSTITUTION S.V.S.P.	TODAY'S DATE 10-18-05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER _____

Hearing: The hearing was convened on 10-18-05, at approximately 0828 hours, when I introduced myself to Inmate HOLLIS as Lieutenant G. R. Salazar, the Senior Hearing Official for this disciplinary hearing.

Inmate's Health: Inmate HOLLIS stated his health was good and was ready to proceed.

MSDS: Inmate HOLLIS is a participant in the Mental Health Delivery System at the CCCMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibited any bizarre behavior that would raise concern about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre or irrational behavior. Based on this and pursuant to recent changes approved by the U.S. District Court in Coleman vs. Wilson, a mental health assessment was not initiated. Therefore, a Staff Assistant was not assigned.

Date of Discovery: 06-07-05

Initial RVR copy issued on: 06-07-05

Hearing started on: 10-18-05

Last document issued to inmate on: 06-07-05

D.A. postponed date: N/A

D.A. results issued date: N/A

Time Constraints: Have Not Been Met. Heard after the 30 day time constraint.

T.A.B.E. Score: Inmate HOLLIS T.A.B.E. was above 4.0 and therefore did not meet the criteria for a Staff Assistant pursuant to CCR§ 3315(b)(2). Therefore before this hearing was conducted this SIO ascertain that Inmate HOLLIS was able to read and understand the contents of the RVR and associated documents. Inmate HOLLIS did not demonstrate any strange, bizarre or irrational behavior therefore a Staff Assistant was not assigned for this hearing.

Staff Assistant (SA): Not Assigned

Investigative Employee (IE): An Investigative Employee was assigned. C.O. Brown was assigned as the Investigative Employee for this hearing and was present.

D.A. Referral: None. **Evidence Requested or Used:** None. **External/Outside Evidence:** None. **Video Tape Evidence:** N/A.

Inmate Plea and Statement: Inmate HOLLIS entered a plea of NOT GUILTY and stated, "I request to be found not guilty in the interest of justice. Sgt. Caplan has fabricated his report, taking reprisal and retaliatory actions towards me for submitting a 602 appeal in violation of Hines vs. Gomez. All reports generated are contradictory in nature, and does not support the written rule violation report. Both property appeals addressed in the 115 does not substantiate the charges, I'm being charged with".

Witnesses Requested or Provided: None. **Witness Testimony at Hearing:** None. **Confidential Information:** None.

G. R. SALAZAR, CORRECTIONAL LIEUTENANT

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE		SIGNATURE OF WRITER <i>G.R. Salazar Lt.</i>	DATE SIGNED 10/10/05
GIVEN BY: (Staff's Signature) <i>A. Johnson</i>		DATE SIGNED 10/16/05	TIME SIGNED 1910

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-05-06-0010	INSTITUTION S.V.S.P.	TODAY'S DATE 10-13-05
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

Findings: Inmate HOLLIS is found NOT GUILTY of "ATTEMPTING TO FRAUD". This finding is based upon the following preponderance of evidence:

A. After reviewing the Appeals submitted by Inmate HOLLIS: SVSP-D-04-4642 dated October 28, 2004. HOLLIS is alleging that his Super 3 Radio was misplaced by Facility "D" Staff. HOLLIS stated during the hearing that the radio is still missing. Appeals log # SVSP-D-05-00965 HOLLIS alleges that his legal material was damaged or destroyed by water from the drains that flooded his cell. In this appeal HOLLIS is requesting to be compensated for his damaged legal work with a Super 3 Radio with headphones or other local resources cosmetic canteen items.

B. It appears to this SHO that the reporting employee Sgt. Caplan believed HOLLIS was claiming his radio was damaged by the water; when in fact HOLLIS was asking for reimbursement for his damaged legal documents with a Super 3 Radio. There is no evidence to substantiate fraud. This SHO chooses to dismiss this Rules Violation report in the interest of Justice.

Additional Disposition: N/A

Priority Concerns: None.

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal and also the policy and procedure of credit restoration per C.C.R. §3327. Inmate HOLLIS was advised he will receive a completed copy of the RVR upon final audit by the Chief Disciplinary Officer.

G. R. SALAZAR, CORRECTIONAL LIEUTENANT

SIGNATURE OF WRITER 		DATE SIGNED 10/10/05
GIVEN BY: (Staff's Signature) 		DATE SIGNED 10/10/05
COPY OF CDC 115-C GIVEN TO INMATE <input checked="" type="checkbox"/>		TIME SIGNED 10/10

SERIOUS RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S). CCR §301.2	DATE 6/7/05	INSTITUTION SVSP	LOG NO. FD-05-06-0010
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT YES NO

POSTPONEMENT OF DISCIPLINARY HEARING					
<input checked="" type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.			INMATE'S SIGNATURE ► N/A	DATE	
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.			INMATE'S SIGNATURE ► N/A	DATE	

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION				
---------------------------------	-------------	--	--	--	--

<input type="checkbox"/> I REVOKE my request for postponement.			INMATE'S SIGNATURE ► N/A	DATE	
--	--	--	-----------------------------	------	--

STAFF ASSISTANT					
STAFF ASSISTANT <input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE		INMATE'S SIGNATURE ► N/A	DATE	

<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF			
<input type="checkbox"/> NOT ASSIGNED	REASON				

INVESTIGATIVE EMPLOYEE					
INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE		INMATE'S SIGNATURE ► Mar Holl	DATE 6-16-05	
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF			
<input type="checkbox"/> NOT ASSIGNED	REASON		AD - SEC		

EVIDENCE/INFORMATION REQUESTED BY INMATE:

ALL PROPERTY Appeals RJR PROPERTY RECORDS

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)					
<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE	
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) CC II T. VARIZ, 3 Gomez			GRANTED <input type="checkbox"/>	NOT GRANTED <input type="checkbox"/>	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) No witnesses were requested at the hearing
			GRANTED <input type="checkbox"/>	NOT GRANTED <input type="checkbox"/>	

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(CONT SEE CDC-115-C)

I requested the Reporting employee, T.VARIZ, and
CC II(A) Gomez.

Brewen, Correctional Officer

INVESTIGATOR'S SIGNATURE ►			DATE
<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE		BY: (STAFF'S SIGNATURE) ► E. Lantigua	TIME 1150
			DATE 6/16/05



STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE OF

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER RD-05-06-0010	INSTITUTION SOSP	TODAY'S DATE 06/29/05
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 06/29/05, I was assigned as Investigative Employee for CC-115, Log# RD-05-06-0010. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

DEFENDANT'S STATEMENT: Inmate HOLLIS (E-37508) made the following statement: "I request to be found not guilty in the interest of justice. Sgt Caplan has fabricated his report, taking reprisal and retaliatory actions towards me by submitting a 602 appeal in violation of Bines vs. Gomez. All reports generated are contradictory in nature, and does not support the written rule violation report. Both property appeals addressed in the 115 dose not substantiate the charges, I'm being charged with.

REPORTING EMPLOYEE'S STATEMENT: On 06/29/05, I interviewed Officer Brown, regarding Inmate HOLLIS charges, and made the following statement: "On 06/07/05, it was noticed that Inmate HOLLIS (E-37508)(06-127), had two Appeals pending, a first level: Log Number SOSP-04-04642, and a second level Log number SOSP-04-05-00965. Both Appeals were in regards to a radio. The first level stated that his radio was lost by staff when he was placed into Administrative Segregation. It was denied due to the lack of evidence at the first level. On December 31, 2004 Inmate HOLLIS was interviewed regarding his missing radio to bring closure to his appeal. At this time he still claimed that his radio was missing. In January 04, 2005 Inmate HOLLIS claims that his missing radio was damaged due to plumbing problems. This radio was, according to him missing 4 days prior in an interview. This action is clearly fraud. Inmate HOLLIS is attempting to fraud the state. Inmate HOLLIS own statement of not having a radio in his possession and then filing a 602 appeal stating that it was damaged as a result of plumbing is clearly a violation of the above CC number.

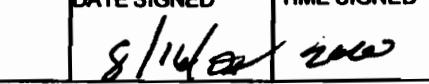
INVESTIGATIVE EMPLOYEE'S STATEMENT: Officer Brown made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this RVR".

Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing. 

NAME	POSITION	RDO'S
Caplan	XT	
I. Variz	Appeals Cord	
S. Cones	CC II (A)	



Brown, Correctional Officer

SIGNATURE OF WRITER		DATE SIGNED	
 GIVEN BY: (Stamp Signature) 		 DATE SIGNED 8/14/05	
COPY OF CDC 115-C GIVEN TO INMATE		DATE SIGNED	TIME SIGNED
		 8/14/05	

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the INFORMAL Level

August 4, 2005

HOLLIS, E37508
D1-220

Log Number: SVSP-D-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

You disciplinary appeal is incomplete. You must attach legible copies of all documents you received during the disciplinary process. For example: the completed CDC 115, Rule Violation Report, the laboratory report, the Mental Health Assessment Form, the completed CDC 115-A, Serious Rule Violation Report, the CDC 115, Investigative Employee report, supplemental reports for the CDC 115, the CDC 7219, Report of Injury, the complete CDC 837, Incident Report, and the CDC 1030, Confidential Information Disclosure Form.

On 07/26/05 this appeal was screened and returned to you requesting that you attach the entire RVR. You returned this appeal without doing as you were instructed to.

Therefore, based upon your continued refusal to comply with the Appeal Coordinator's instruction is cause for cancellation of this appeal pursuant to CCR 3084.4 (b) ABUSE-failure to cooperate.

Also, your comments on the original screening form are not appropriate and disrespectful- you are in violation of CCR 3004 Rights and Respect of Others. This serves as your Appeal Abuse Warning.

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

Appeals Coordinator
Salinas Valley State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the INFORMAL Level

September 22, 2005

HOLLIS, E37508
D1-220

Log Number: SVSP-D-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

There has been too great a TIME LAPSE between when the action or decision occurred and when you filed your appeal with no explanation of why you did not or could not file in a timely fashion. Time limits expired per CCR 3084.6(c).

The attached appeal was originally screened out as incomplete as the appellant submitted this appeal without the correct and completed documents. This appeal was returned to the appellant on the following dates: 07/26/05, 08/04/05, 08/15/05, 08/26/05 and today 09/22/05.

The appellant had numerous occasions to comply with the screen out form and chose not to do so. Therefore this appeal is rejected and cancelled as untimely.

2
DELIVERED SEP 30 2005

Appeals Coordinator
Salinas Valley State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

State of California

INMATE / PAROLEE APPEAL SCREENING FORM

Department of Corrections and Rehabilitation
CDCR-695INMATE: Hollis CDC #: E-37508 CDC HOUSING: C3-225

THIS IS NOT AN APPEAL RESPONSE - THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR
RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Duplicate Appeal; Same Issue	<input type="checkbox"/> Limit of One Continuation Page May Be Attached
<input type="checkbox"/> Do Not Combine Staff Complaints with Other Issues	<input type="checkbox"/> Inappropriate Statements
<input type="checkbox"/> Time Constraints Not Met	<input type="checkbox"/> Action / Decision Not Taken By CDCR
<input type="checkbox"/> Cannot Submit On Behalf Of another Inmate	<input type="checkbox"/> DRB Decisions Are Not Appealable
<input type="checkbox"/> No Significant Adverse Effect Demonstrated	<input type="checkbox"/> Appealing Action Not Yet Taken
<input type="checkbox"/> Pointless Verbiage/Appeal is vague	<input type="checkbox"/> May Submit One (1) Non-Emergency Appeal Per Week
<input checked="" type="checkbox"/> Incomplete 602	<input type="checkbox"/> Not A Request Form; Use CDCR-7362 - to access Medical Services, submit your request on a CDCR-Form 7362. If necessary, sign up for sick call.
<input type="checkbox"/> Attempting to Change Original Appeal Issue	<input type="checkbox"/> Write your appeal in black or blue ink, this is a legal document and pencil/inks other than black or blue do not copy legibly
<input type="checkbox"/> Not Authorized to Bypass Any Level	
<input type="checkbox"/> Request for Interview; Not an Appeal	
<input type="checkbox"/> Numerous and separate issues	

PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS

Comments: You may write on back of this form to clarify or respond to the above.

Hollis - you have not provided any evidence of misconduct. The RVR you attached was dismissed because you already have a pending RVR that has not been adjudicated.

RECD JUN 28 2006

6/26/06 received 1/4m alleges misconduct (retaliation) but has provided no compelling testimony/evidence to support the allegation.


Eloy Medina, CC-II
Appeals Coordinator

Date: 6/15/06

RET'D JUN 27 2006

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper; or use the back of this screen out - do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM

CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

SVSP

1. _____

7

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

Staff Complaint

to Ortega

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARVIN HOLLIS	E-37508	N/A	C-3-225

A. Describe Problem: This complaint is filed against SALINAS VALLEY STATE PRISON WARDEN M. EVANS, AND CORRECTIONAL OFFICER V. ORTEGA. OFFICER ORTEGA FABRICATED HIS REPORT RVR# FO-06-02-0041 FALSELY ACCUSING ME OF VIOLATING CCR. 3005(b) OBEDIENCE OF ORDERS IN RETALIATION AND REPRISAL FOR MY USE OF THE (CDCR) 608 PRISON GRIEVANCE SYSTEM. TO ORTEGA, FALSE CHARGE INFRINGED MY 1ST AMENDMENT RIGHT TO FILE PRISON GRIEVANCES AND HAD A CHILLING EFFECT. TO ORTEGA, RETALIATORY ACTION ADVANCED NO LEGITIMATE PENALOGICAL INTEREST. TO ORTEGA, RETALIATION AND

If you need more space, attach one additional sheet. DELIVERED OCT 1⁶ 2006

(See Attachments)

B. Action Requested: FOR OFFICER ORTEGA BE REPRIMANED OR DISCIPLINED FOR HIS ACTS OF FILING FALSE CHARGES AGAINST ME. THAT I BE COMPENSATED \$21,500.00 FOR VIOLATION OF MY CONSTITUTIONAL RIGHTS, THAT (SVSP) STAFF STOP TAKING REPRISAL AND RETALIATORY ACTIONS AGAINST ME. THAT THIS BE INVESTIGATED.

Inmate/Parolee Signature: Marvin Hollis

Date Submitted: 6-13-06

C. INFORMAL LEVEL (Date Received: _____)

RECEIVED JUN 15 2006
RECD JUN 23 2006

Staff Response: _____

DELIVERED JUN 23 2006

RET'D JUN 27 2006

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

RECD SEP 29 2006

A2/

Rec'd

7/26/06

SAB

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

CANCELLED

REPRISAL FOR MY PRIOR USE OF THE GRIEVANCE SYSTEM ALSO VIOLATED CCR. 3084.1(C) AND 3391. PURSUANT TO CCR. 3391 (2) IN PART, EMPLOYEES SHALL BE ALERT, COURTEOUS, AND PROFESSIONAL IN THEIR DEALINGS WITH INMATES AND IRRESPONSIBLE OR UNETHICAL CONDUCT OR CONDUCT REFLECTING DISCREDIT ON THEMSELVES OR THE DEPARTMENT SHALL BE AVOIDED BY ALL EMPLOYEES. M. EVANS, BREACHED A DUTY OF CARE AND TREATMENT FOR ME AND ALSO CB ORTEGA, TO WILLFULLY VIOLATE THE CODE OF CONDUCT. I INFORMED CB ORTEGA, ALSO THAT I WOULD BE SUBMITTING A COMPLAINT AGAINST HIM FOR FALSELY CHARGING ME. THERE WAS NO EVIDENCE AT MY HEARING TO SUPPORT HIS FALSE CHARGE AGAINST ME. HIS ACTS WERE WILLFULLY OPPRESSIVE AND ANNOYING. NO INMATE HAS EVER BEEN ASSIGNED TO BE HOUSED IN D-1-220 ON THE DATE AND TIME IN QUESTION.

NO (CDC)1882-B OR (CDC)154 WAS EVER GENERATED. THE HEARING OFFICER FAILED TO DOCUMENT CB ORTEGA DISHONESTLY AND FALSE CHARGES IN THE FINDINGS BUT DOCUMENTED SOMETHING THAT IS NOT COMPREHENSIVE AND COVERS UP THE TRUTH AND UNDERMINES THE SERIOUSNESS OF OFFICER ORTEGA'S ACTS. CB ORTEGA DEFAMED ME BY MAKING HIS FALSE ALLEGATIONS AGAINST ME. CB ORTEGA NEED TO BE HELD ACCOUNTABLE FOR HIS UNLAWFUL ACTS AND UNPROFESSIONALISM.

804 to Records: DS Date: 2/23/06
STATE OF CALIFORNIA

Rec'd OK
DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE	INST. SVSP	HOUSING NO. D1-220	LOG NO. ED-06-02-0041
VIOLATED RULE NO(S). CCR §3005(b)	SPECIFIC ACTS Willfully Obstructing A P.O. <i>DS</i>	LOCATION	DATE 02/15/06	TIME 1900 hours	

CIRCUMSTANCES

On 02/15/06, at approximately 1900 hours, I informed Inmate HOLLIS (E-37508, D1-220L) that he is to be expected to and would be receiving a compatible cellmate, per Operational Procedure #42, signed by the Warden. This states in part..."Inmates are expected to share occupancy of living quarters, either in a dormitory setting or within an individual cell." A review of Inmate HOLLIS 114-D signed by Captain Ponder reflects that Inmate HOLLIS was cleared for double celling, as well as the Inmates 114 files reflects that Inmate HOLLIS was cleared and approved for double celling by the ICC on 10/27/05. Inmate HOLLIS refused to except the assigned compatible cellmate, stating "Nah, Go ahead and write me up. I'm cool with no cellie. Your doing me a favor by writing me up, Thanks. Your helping me out". Inmate HOLLIS was given a direct order to submit to handcuffs so the other Inmate could be placed in the cell and he refused. This refusal is in direct violation of O.P. #42.3.3 and disrupted the normal operation of the ASU. The need to compact and consolidate within the ASU is crucial to the daily operation, were the demand for bed space is critical. Inmate HOLLIS refusal to except a compatible cellmate has caused a negative impact on the ASU. Inmate HOLLIS was informed of this documentation.

Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the ~~CCMS~~ level of care.

REPORTING EMPLOYEE (Typed Name and Signature)

► V. Ortega, Correctional Officer *4/S*

DATE

2/23/06

ASSIGNMENT

D1-Flr 2

RDO'S

S/M

REVIEWING SUPERVISOR'S SIGNATURE

► *JKC* V. Ortega, Correctional Officer

DATE

2/23/06

□ INMATE SEGREGATED PENDING HEARING

DATE

LOC.

CLASSIFIED

OFFENSE DIVISION:

DATE

2-23-06

CLASSIFIED BY (Typed Name and Signature)

► *JKC* CC11 Hughes

HEARING REFERRED TO

□ HO SHO SC FC

COPIES GIVEN INMATE BEFORE HEARING

► *JKC* CDC 115

BY: (STAFF'S SIGNATURE)

DATE

2/27/06 1300

TIME

TITLE OF SUPPLEMENT

► INCIDENT REPORT LOG NUMBER:

BY: (STAFF'S SIGNATURE)

DATE

TIME

BY: (STAFF'S SIGNATURE)

DATE

TIME

HEARING

Plea: Not Guilty.

Findings: Inmate HOLLIS was found NOT GUILTY of CCR §3005(b), specifically "Willfully Obstructing A P.O." a Division "D(6)" offense. This finding is based on the preponderance of evidence presented at the hearing which does not substantiate the charge. Inmate has pending RVR for specific act, 'Willfully Obstructing A Peace Officer' that has not been adjudicated.

Disposition: Dismissed In the Interest Of Justice.

Classification Referral: Refer to ICC for Program Review

INMATE COPY

REFERRED TO CLASSIFICATION BPT/NAEA

ACTION BY: (TYPED NAME)

► N. Walker, Correctional Lieutenant

SIGNATURE

► *M. Walker*

DATE

4/24/06 1600

TIME

REVIEWED BY: (SIGNATURE)

► G. Lewis, Facility Captain

DATE

4/24/06

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

► *D. Travers, CDO*

DATE

4/24/06

TIME

COPY OF CDC 115 GIVEN INMATE AFTER HEARING

BY: (STAFF'S SIGNATURE)

► *JKC*

DATE

4/24/06 1300

TIME

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-06-02-0041	INSTITUTION SVSP	TODAY'S DATE 04/16/06
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

Hearing: 04/16/06.

Time: 1245 hours.

Any Postponement Explained: N/A.

Inmate Plea and Statement: Inmate HOLLIS entered a plea of Not Guilty and chose to remain silent.

Inmate's Health: Inmate HOLLIS claims to be in good health and prepared to proceed with the disciplinary process.

MHDS: Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the OOMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior. Base on this and pursuant to recent changes approved by the U.S. District Court in Coleman vs. Wilson, a Mental Health Assessment was not initiated. Consequently, a Staff Assistant was not deemed necessary.

Date of Discovery: 02/15/06.

Initial RVR copy issued on: 02/27/06.

Hearing started on: 04/16/06.

Last document issued to Inmate on: 02/27/06.

D.A. postponed date: N/A.

D.A. results issued date: N/A.

Time Constraints: Were not met pursuant to CCR §3320(b). The charge was not heard within 30 days from the date Inmate HOLLIS was provided with a copy of the CDC 115 form.

Staff Assistant (SA): Staff assistant was not assigned per CCR §3315 (d)(2)(A).**Investigative Employee (IE):** Investigative Employee was not assigned per CCR §3315 (d)(1)(A)**D.A. Referral:** N/A.**Evidence Requested or Used:** N/A.**External/Outside Evidence:** N/A.**Video Tape Evidence:** N/A.**Witness Requested:** No witnesses requested at the Hearing.**Witness Testimony at Hearing:** N/A.**Confidential Information:** N/A.**Enemy Concerns:** N/A.

Findings: Inmate HOLLIS is found NOT GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) The finding of NOT GUILTY was based on: Inmate has pending RVR for specific act, 'Willfully Obstructing A Peace Officer' that has not been adjudicated.

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal and also the policy pursuant CCR §3084.1. Inmate HOLLIS was advised he will receive a completed copy of the RVR upon final audit by the Chief Disciplinary Officer.

INMATE COPY

N. Walker, Correctional Lieutenant

SIGNATURE OF WRITER <i>N. Walker</i>		DATE SIGNED <i>4/21/06</i>	
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>K. C. May</i>	DATE SIGNED <i>5/30/06</i>	TIME SIGNED <i>1300</i>

STATE OF CALIFORNIA
SERIOUS RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S) C.C.R. §3005(b)	DATE 02/15/06	INSTITUTION SVSP	LOG NO. FD-06-02-0041
-----------------------	-------------------------	--	------------------	---------------------	--------------------------

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT YES NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
---------------------------------	-------------

N/A

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ► N/A	DATE
--	-----------------------------	------

STAFF ASSISTANT	INMATE'S SIGNATURE	DATE
-----------------	--------------------	------

<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE
------------------------------------	---

<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
-----------------------------------	------	---------------

<input checked="" type="checkbox"/> NOT ASSIGNED	REASON	DNMC 3315 (d)(2)(g)
--	--------	---------------------

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
------------------------	--------------------	------

<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE
------------------------------------	---

<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
-----------------------------------	------	---------------

<input checked="" type="checkbox"/> NOT ASSIGNED	REASON	DNMC 3315 (d)(2)(g)
--	--------	---------------------

EVIDENCE/INFORMATION REQUESTED BY INMATE:

None

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE
---	--	---	--------------------------------	--

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INMATE COPY

INVESTIGATOR'S SIGNATURE

NOTICE OF ACTION**FACILITY D**Date: 04/16/06

To: Correctional Administrator, Complex II

Disciplinary Log Number FD-06-02-0041Inmate Name: HOLLIS CDC # E-37508 CDC 115 voided / dismissed (circle one) on this date: 04/16/06 for the following reasons: _____DISMISSED IN THE INTEREST OF JUSTICE.

(Disciplinary log must show this action as voided and include Facility Captain's signature)

 Reduce to CDC 128A or 128B (circle one) on _____ for the following reasons: _____

(Once it has been classified, this must be approved by Facility Captain's signature)

 Postponed Pending DA

Date referred to DA: _____

Incident Package #: _____

Date inmate signed postponement request: _____

DA contact date: _____ Current status: _____

DA contact date: _____ Current status: _____

(If the inmate does not request postponement in writing, there is no postponement)

 Inmate transferred to another institution

Name of institution: _____ Date of transfer: _____

Date memo sent to new institution requesting hearing: _____

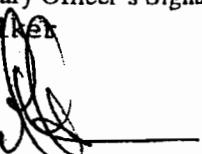
Date follow up contact: _____ Name of contact: _____

Date follow up contact: _____ Name of contact: _____

 Other: _____
4/16/06

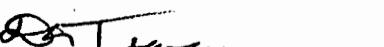
Disciplinary Officer's Signature

N. Walker


4/16/06

Facility Captain's Signature

G. Lewis


4/16/06

Chief Disciplinary Officer's Signature

D. Travers

State of California

Department of Corrections

Memorandum

Date 04/16/06

To : Inmate Records
Salinas Valley State Prison

Subject: Attention: Please pull 804 and all related information.
Dismissal/Not Guilty finding in CDC-115 Disciplinary Hearing.

On 04/16/06, Inmate HOLLIS, E-37508 appeared before this Senior Hearing Officer for adjudication of CDC-115 Rules Violations Report Log #FD-06-02-0041. This inmate was found NOT GUILTY and all charges were dismissed. Please remove all documentation pertaining to the disciplinary report from this inmates Central File.

Pursuant to CCR §3326(a)(2), when an inmate is found not guilty of an act charged, or the charge is dismissed for any reason, the documents prepared for and used in the disciplinary process shall not be placed in any file pertaining to the inmate.



N. Walker
Senior Hearing Officer
Salinas Valley State Prison

State of California
 CDC FORM 695
 Screening For:
 CDC 602 Inmate/Parolee Appeals
 CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

May 21, 2007

6-7-07

7-9-07

D8-220

HOLLIS, E37508
 D8/220

Log Number: SVSP-D-

(Note: Log numbers are not assigned to screen out appeals or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

You have failed to reasonably demonstrate that the issue you are appealing adversely affects your welfare, pursuant to CCR 3084.1(a).

The appellant is advised that the appeals process is not a rehearing of the disciplinary. The appeals process is a review to determine if all time constraints were met and if due process was maintained during the course of the disciplinary proceedings. The appellant has not presented any "new" evidence that was not available to him prior to his disciplinary hearing. A review of the RVR disposition shows that the appellant was afforded the opportunity to present an adequate defense and to call witnesses. The appellant's assertions are unsubstantiated by any evidence. There is no good reason to suspect that the staff reports were contrived or that the SHO had a predetermined belief of appellant's guilt. The appellant refused to attend the hearing.

RET'D JUL 16 2007

X
 Appeals Coordinator

DELIVERED JUL 18 2007

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
MARVIN HOLLIS	E-375708	* (SHU) *	D-8-220

A. Describe Problem: This complaint is filed against SALINAS VALLEY STATE PRISON Chief Disciplinary Officer M.R. MOORE, ITL, Senior Hearing Officer T. SPILBY, and Reporting Employee J. BOHANAN. I was charged for violating CCR 3084(b) Disrespect of Staff. Serious Blue Violation. The hearing was not fair and impartial and my procedural and my due process rights were violated. The (SHU) Arbitrarily found me guilty on inaccurate information and the guilty finding was not based on "some evidence". The (SEARCH) was

If you need more space, attach one additional sheet.

* (See Attachment) *

B. Action Requested: THAT RVR#FD-03-0071 be dismissed in the interest of justice per CCR 3084.5(h) and 3312 OR that the RVR be reduced to AS A 128-A. THAT ALL loss time credits, privileges, and loss of good conduct credit while in (SHU) to be restored per D.P.M. 54100.18.3. ALLOWED TO EXHAUST

Inmate/Parolee Signature: MARVIN HOLLIS Date Submitted: 5-17-07

C. INFORMAL LEVEL (Date Received: _____)

RETD JUL 02 2007

DELIVERED JUN 05 2007

Staff Response: _____

RECEIVED JUN 07 2007

RETD JUL 16 2007

DELIVERED JUL 30 2007

RECEIVED JUL 17 2007

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: _____

Board of Control form BC-1E, Inmate Claim

804 to Records:
STATE OF CALIFORNIADate: 11/07

DentalCopy

RULES VIOLATION REPORT

DQ. 220

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE MEPD 7/3/08 SVSP	INST. D8-220	HOUSING NO. D8-220	LOG NO. ED-07-03-0071
VIOLATED RULE NO(S). CCR §3004(b)	SPECIFIC ACTS DISRESPECT OF STAFF	LOCATION. D8-'B' Pod	DATE 03/26/07	TIME 1215 hours	

CIRCUMSTANCES

On 03/26/07, while performing my duties as the Dental Officer on D-facility. I went up to Inmate HOLLIS (E-37508) cell D8-220 to get him for dental, he stated "I'm not ready." I informed him he had a few minutes to get ready, because he was already given a warning. He then stated, "That's why stupid motherfucker's like you get written up." I said, "What did you say," and he said "You heard me you bitch." So I informed him that he was not going to dental, because of his hostile behavior and language. He then stated, "I'm going back to C-Yard soon and I better not see you over there." This concludes my report.

Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the COOMS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) ► J. Bohanan, Correctional Officer <i>J. Bohanan</i>				DATE 11/3/07	ASSIGNMENT D-Dental Officer	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE ► <i>J. Bohanan</i>				DATE 11/3/07	□ INMATE SEGREGATED PENDING HEARING	
CLASSIFIED ADMINISTRATIVE SERIOUS	OFFENSE DIVISION: F	DATE 11/2/07	CLASSIFIED BY (Typed Name and Signature) ► D. B. Bush <i>D. B. Bush</i>			HEARING REFERRED TO □ HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING						
□ CDC 115 <i>J. Bohanan</i>	BY: (STAFF'S SIGNATURE)	DATE 11/1/07	TIME 11:20	TITLE OF SUPPLEMENT D8-220		
□ INCIDENT REPORT LOG NUMBER: ►	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE) ►	DATE 11/2/07	TIME 11:00

HEARING

Issue: Inmate HOLLIS refused to attend this CCR-115 hearing. The SHO proceeded with the hearing, entering a plea of GUILTY on the Inmate's behalf.

Findings: Inmate HOLLIS was found GUILTY of CCR §3004(b), specifically "Disrespect Of Staff," a Division "F(3)" offense. his finding is based on the preponderance of evidence presented at the hearing which does substantiate the charge. he evidence presented at the hearing included: (Findings Con't See CCR-115C)

Disposition: Inmate HOLLIS was assessed 30 days forfeiture of credits in accordance with a Division "F(3)" offense per CCR §3323(h)(3). Inmate HOLLIS was counseled, warned, and reprimanded.

Additional Disposition: Inmate HOLLIS was assessed 30 days loss of privileges to begin on 05/03/07 through 05/02/07. Loss of privileges includes: Ten Days Loss Of Ad-Seg Yard Access, Family Visits, Telephone, + Canteen Draw, Quarterly Package and Special Purchase.

Classification Referral: N/A.

REFERRED TO CLASSIFICATION BPT/NAEA

CTION BY: (TYPED NAME)

T. Selby, Correctional Lieutenant

SIGNATURE
T. Selby

DATE
05/02/07

TIME
0915

EWED BY: (SIGNATURE)

B. Rankin, Facility Captain

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

► M. P. Moore III, CDO

DATE
5/1/07

TIME
0915

COPY OF CDC 115 GIVEN INMATE AFTER HEARING

BY: (STAFF'S SIGNATURE)
► *W. C. C. C.*

DATE
5/1/07

TIME
0915

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
E-37508	HOLLIS	FD-07-03-0071	SVSP	05/02/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF:		<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

Hearing Date: 05/02/07.

Time: 0915 hours.

Any Postponement Explained: N/A.

Inmate Plea and Statement: Inmate HOLLIS refused to attend this CDCR-115 hearing. The SHO proceeded with the hearing, entering a plea of NOT GUILTY on the Inmate's behalf.

Inmate's Health: Inmate HOLLIS refused to attend this hearing. Inmate was given an opportunity to attend, however, elected not to participate as observed and witnessed by Correctional Officers T. Bryant and R. Phillips. Inmate appears to be in good health as observed by this SHO and witnessed by Correctional Officers T. Bryant and R. Phillips. The SHO elected to proceed with this disciplinary process. (See attached CDCR-1298)

MHS: Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the COOMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. Inmate HOLLIS refused to attend the hearing, however, at cell front, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior as observed and witnessed by this SHO.

IE PROCESS: Date of Discovery: 03/16/07.
 Initial RVR copy served on: 04/04/07.
 Incident Package served on: N/A.
 D.A. results issued date: N/A.

Hearing started on: 05/02/07.
 CDCR-115-MH served on: N/A.
 L.E. document served on: 05/01/07.
 Last document served on: 05/01/07.

LA Referral: This matter was not referred to the Monterey County District Attorney's Office.

Time Constraints: All time constraints have been met pursuant to CCR §3320(b). Inmate HOLLIS was provided a copy of the CDCR-115 within 15 days after the discovery of information leading to the charges. Hearing was held within 20 days of the date the inmate was provided a copy of the CDCR-115. Inmate HOLLIS received all documents used for this hearing 4 hours prior to the hearing.

ARE Score: Inmate HOLLIS TAE Reading Score was Above 4.0 as noted in the Central File.

Staff Assistant (SA): Staff assistant was not assigned per CCR §3315 (d)(2)(A).

Investigative Employee (IE): Inmate HOLLIS requested and does meet the criteria for assignment of an Investigative employee. Correctional Officer S. Celaya was assigned. Officer S. Celaya interviewed Inmate HOLLIS as part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate HOLLIS and follow up questions posed by I.E. for clarification purposes. Officer S. Celaya prepared her report, to include her summation of the facts, and provided a copy of the report to Inmate HOLLIS more than 24 hours prior to this hearing.

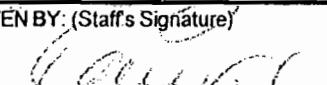
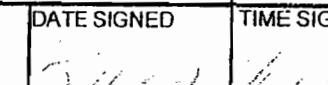
Evidence Requested or Used: There was no evidence requested or used.

Internal/Outside Evidence: N/A.

Video Tapes Evidence: N/A.

T. Selby, Correctional Lieutenant

(DISPO CON'T SEE CDCR-115C PAGE 2)

SIGNATURE OF WRITER		DATE SIGNED 05/02/07	
			
GIVEN BY: (Staff's Signature)		DATE SIGNED	TIME SIGNED
			

COPY OF CDC 115-C GIVEN TO INMATE

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-03-0071	INSTITUTION SVSP	TODAY'S DATE 05/02/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

Witness Requested: Inmate HOLLIS did not request witnesses to be present at the hearing.) *

Witness Testimony at Hearing: N/A.) *

Confidential Information: N/A.

Enemy Concerns: There was no enemy concerns related with this disciplinary hearing.

Findings: Inmate HOLLIS is found GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) IVR Log #FD-07-03-0071, authored by Reporting Employee (R.E.) Correctional Officer R.E.XXX, which states in part: "I went up to Inmate HOLLIS (E-37508) cell D8-220 to get him for dental, he stated "I'm not ready." I informed him he had a few minutes to get ready, because he was already given a warning. He then stated, "That's why stupid motherfucker's like you get written up." I said, "What did you say," and he said "You heard me you bitch." I informed him that he was not going to dental, because of his hostile behavior and language. He then stated, "I'm going back to C-Yard soon and I better not see you over there.""

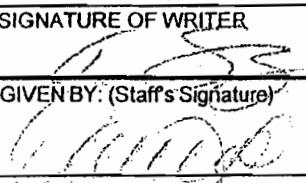
2) Inmate HOLLIS failed to present a defense to the charges at the hearing.

CONCLUSION: Based on the aforementioned facts, this SRO finds the preponderance of the evidence relied upon has been set to render and sustain a finding of Guilt on the charged offense of Inmate HOLLIS violating CCR §3004(b); specifically, "Disrespect Of Staff," a Division "F(3)" offense per CCR §3323 (h)(3).

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal per CCR section §3084.1 (a). Inmate HOLLIS was informed he would receive a copy of the completed IVR upon final review of the Chief Disciplinary Officer. Inmate HOLLIS was further advised of credit restoration per CCR §3327 and §3328.

"Thaven S E -
NO TESTIMONY FROM ANY WITNESSES
NO EVIDENCE

T. Selby, Correctional Lieutenant

SIGNATURE OF WRITER 		DATE SIGNED 05/02/07	
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) 	DATE SIGNED 5/11/07	TIME SIGNED 10:00

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE OF

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-03-0071	INSTITUTION SVSP	TODAY'S DATE 04/18/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 04/18/07, I, Correctional Officer I.E. S. Celaya, was assigned as Investigative Employee for CDCR-115, Log #03-0071. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder or the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

DEFENDANT'S STATEMENT: On 04/18/07, I interviewed Inmate HOLLIS (E-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I requested to be found not guilty in the interest of justice. Correctional Officer J. Bohanan falsely charged me for rule violation in retaliation and reprisal for my prior use of the (CDCR) 2 grievance procedure and exercising my First Amendment Constitutional right. The retaliation and reprisal did not have any penological interest or institutional goal. This (RVR) was falsely generated in an attempt to cover up or stify Correctional Officer Bohanan unlawful interference with my scheduled dental appointment which cause unnecessary lay. There was no legitimate reason why Correctional Officer Bohanan canceled my scheduled dental appointment other than his personal animosity towards me. I request to be provided with a fair and impartial hearing."

REPORTING EMPLOYEE'S STATEMENT: On 04/18/07, I interviewed Correctional Officer J. Bohanan, regarding Inmate HOLLIS disciplinary charges, and Officer J. Bohanan, made the following statement: "See (RVR) report."

INVESTIGATIVE EMPLOYEE'S STATEMENT: On 04/18/07, I, Correctional Officer I.E. S. Celaya, made the following statement: Interviewed all Staff and Inmate HOLLIS concerning this RVR".

Inmate HOLLIS requested the following witnesses and evidences to be present at the disciplinary hearing.

NAME	POSITION	RVR'S
Correctional Bohanan	Medical Officer	S/S
Dental Assistant's Staff		
SU) Sergeant		
E. Officer S. Celaya	D-Recr.	Th/P

REQUESTED EVIDENCE: All (CDCR) 602 complaints filed against Dental Officer and Staff for 2007, copy of the (ASU) filed in log dated 03/26/07 of Correctional Officer J. Bohanan entry into (ASU) and release from (ASU), and my alleged fusal forms generated for 03/26/07 of my scheduled dental appointment cancellation or 128-B's.

Inmate request denied due to confidentiality.)

I.E. acted as hearing officer denying me the opportunity to present documentation mitigating evidence or evidence to prove my innocence.

S. Celaya, Correctional Officer

SIGNATURE OF WRITER <i>S. Celaya</i>	DATE SIGNED 4/25/07
GIVEN BY: (Staff's Signature) <i>S. Celaya</i>	DATE SIGNED 4/1/07
TIME SIGNED 0900	
COPY OF CDC 115-C GIVEN TO INMATE <input checked="" type="checkbox"/>	

STATE OF CALIFORNIA

SERIOUS RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLES	VIOLATED RULE NO(S). C.C.R. §3004(b)	DATE 03/26/07	INSTITUTION SVSP	LOG NO. FD-07-03-0071
-----------------------	-------------------------	---	------------------	---------------------	--------------------------

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT. YES NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
---------------------------------	--------------------	--

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ► N/A	DATE
--	-----------------------------	------

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ►	DATE
---	-------------------------	------

<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
-----------------------------------	------	---------------

<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNC per Title 15	ABC 80
--	----------------------------	--------

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ►	DATE
--	-------------------------	------

<input checked="" type="checkbox"/> ASSIGNED	DATE 4-18-07	NAME OF STAFF S. Celaya
--	-----------------	----------------------------

<input type="checkbox"/> NOT ASSIGNED	REASON DNC per Title 15	15
---------------------------------------	----------------------------	----

EVIDENCE / INFORMATION REQUESTED BY INMATE:
None

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

<input checked="" type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE
--	--	---	--------------------------------	--

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED <input type="checkbox"/> <input type="checkbox"/>	NOT GRANTED <input type="checkbox"/> <input type="checkbox"/>	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED <input type="checkbox"/> <input type="checkbox"/>	NOT GRANTED <input type="checkbox"/> <input type="checkbox"/>
---	---	---	---	---	---

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(I.E. DON'T SEE CCR-115-C)

S. Celaya, Correctional Officer

INVESTIGATOR'S SIGNATURE
►

DATE

 COPY OF CDC 115-A GIVEN INMATEBY: (STAFF'S SIGNATURE)
S. CelayaTIME
1100DATE
4-18-07

"Request" *(SVSP-D-07-02490)*
6-5-07

TO: APPEALS COORDINATOR

FROM: HOLLIS, E-37508 D-8-220

RE: "CHALLENGE TO SCREENING FORM"

(D.O.M. 54100.18 3 P.C. 2932(c1))

THE SCREENING FORM IS INACCURATE - I WAS DENIED WITNESSES AND MY DUE PROCESS WAS VIOLATED PER PENAL CODE 2932(c1) I HAVE A RIGHT TO APPEAL THE GUILTY FINDING. PER D.O.M. 54100.18 I HAVE A RIGHT TO APPEAL THE GUILTY FINDING. THE SCREENING FORM WAS GENERATED IN CONTINUED HARASMENT AND RETALIATION FOR MY PRIOR USE OF THE GRIEVANCE PROCEDURE AND BEING A JAILHOUSE LAWYER. THE APPEALS COORDINATOR IS INTENTIONALLY NEGLECTED THEIR DUTY TO ASSIGN MY DISCIPLINARY APPEALS IN ACCORDANCE TO THE LAW AND (COC 3 R) RULES. I SUFFERED A LOSS OF GOOD TIME CREDITS AND PRIVILEGES. I HAVE A RIGHT TO HAVE THE REPORTING EMPLOYEE PRESENT AT MY HEARING AND HAVE A FAIR AND IMPARTIAL HEARING. IS MY APPEAL REJECTED OR CANCELLED OR HOW CAN I EXHAUST MY ADMINISTRATIVE REMEDY TO THE ISSUE RAISED? HOW CAN I COMPLY FOR ASSIGNMENT? THIS IS ALSO NOTICE THAT A TEMPORARY RESTRAINING ORDER WILL BE FILED IN CASE NO. HCS 711 IF YOU CONTINUE TO HARASS ME AND RETALIATE AGAINST BY REFUSING TO ASSIGN MY DISCIPLINARY APPEALS PER THE LAW. (MY (SHC) TERM) * WAS EXTENDED ON 5-17-07 DUE TO THIS RVN WHICH IS A adverse effect. I continue to SUFFER THE adverse effect.

Request

7-2-07

TO: APPEALS COORDINATOR, WARDEN

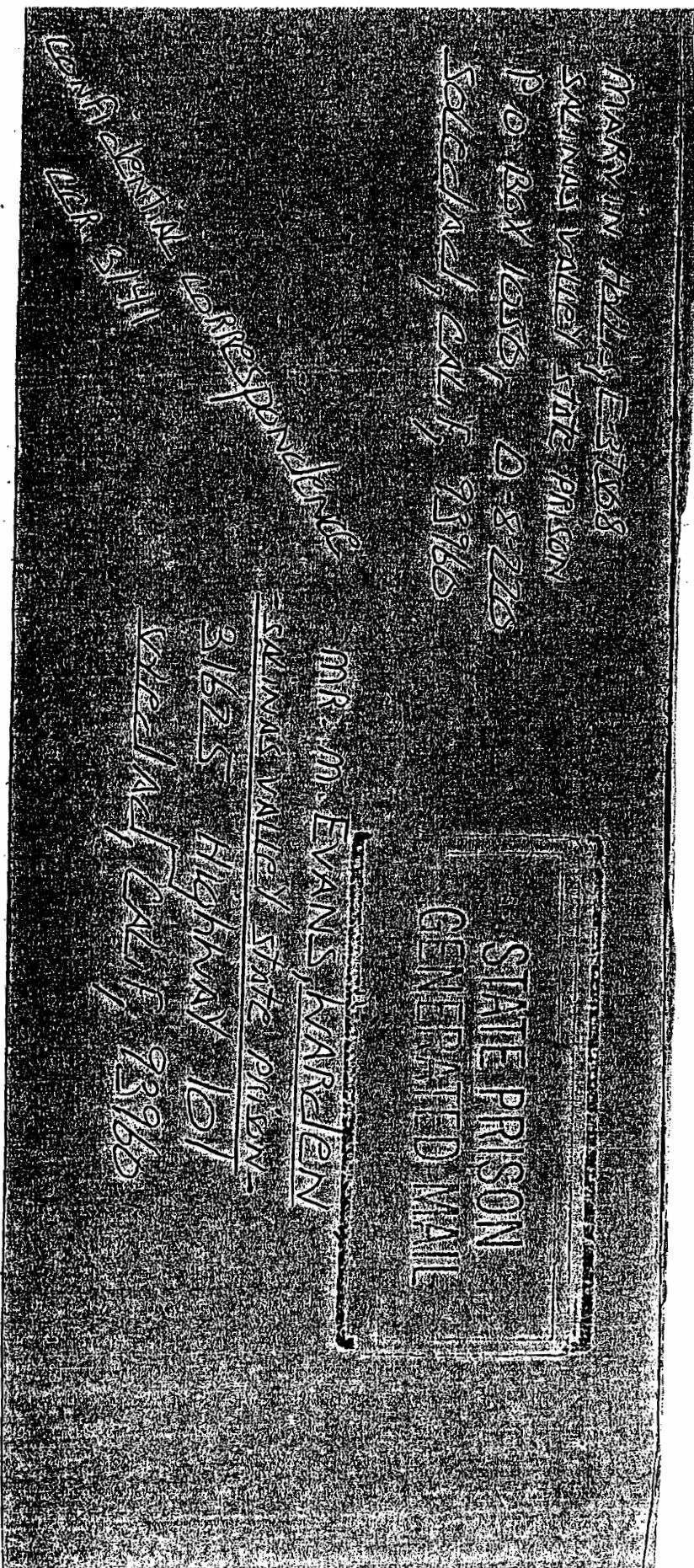
FROM: HOLLIS, E-37508

A-8-220

THE SCREENING FORM IS INACCURATE. PER DOM 54100.18 AND PENAL CODE SECTION 2932(d)
I HAVE THE RIGHT TO APPEAL THE GUILTY FINDING.
IS MY APPEAL CANCELLED OR REJECTED FOR
HOW CAN I EXHAUST MY ADMINISTRATIVE
REMEDY?

I SUFFERED A LOSS OF GOOD TIME CREDITS AND
PRIVILEGES WHICH IS A ADVERSE EFFECT.

WHAT IS THE INSTRUCTIONS I NEED TO FOLLOW TO
GET MY APPEAL ASSIGNED? I WAS TOLD BY
CAPTAIN RANKIN TO USE THE APPEALS PROCESS.



INMATE: HollisCDC #: E-37508CDC HOUSING: D8-220

THIS IS NOT AN APPEAL RESPONSE – THIS APPEAL IS EITHER REJECTED FOR ONE OR MORE REASONS NOTED BELOW OR RETURNED TO YOU TO ATTACH SUPPORTING DOCUMENTS.

YOUR APPEAL IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

[] Duplicate Appeal; Same Issue

[] Do Not Corrime Staff Complaints with Other Issues

[] Time Constraints Not Met

[] Cannot Submit On Behalf Of another Inmate

[] No Significant Adverse Effect Demonstrated

[] Pointless Verbiage/Appeal is vague

[] Incomplete 602

[] Attempting to Change Original Appeal Issue

[] Not Authorized to Bypass Any Level

[] Request for Interview; Not an Appeal

[] Numerous and separate issues

[] Limit of One Continuation Page May Be Attached

[] Inappropriate Statements

[] Action / Decision Not Taken By CDCR

[] DRB Decisions Are Not Appealable

[] Appealing Action Not Yet Taken

[] May Submit One (1) Non-Emergency Appeal Per Week

[] Not A Request Form; Use CDCR-7362 – to access Medical Services, submit your request on a CDCR-Form 7362. If necessary, sign up for sick call.

[] Write your appeal in black or blue ink, this is a legal document and pencil/inks other than black or blue do not copy legibly

PLEASE FOLLOW INSTRUCTIONS AND RETURN YOUR CDC 602 WITHIN 15 WORKING DAYS

Comments: You may write on back of this form to clarify or respond to the above.

no due process/procedural errors, your statements refuted by RVR.
 -Appellant refused to attend hearing.
 -preponderance of evidence noted by SHO
 -D8-219 is typo i had no bearing on hearing.
 - your attempts to make this a racial issue has no bearing. The RVR clearly indicates you refused all cellmates by stating "I ain't taking no cellie" "they f--- with me, I'll f--- with them."


 Eloy Medina, CC-II
 Appeals Coordinator



Date:

4/4/07

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out – do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

REQUEST

(D)

#1

4-22-07

TO: APPEALS COORDINATORS, WARDEN

FROM: HOLLIS, E-375D8

D-8-220

RE: CHALLENGE TO SCREENING FORM*(INAPPROPRIATE SCREENING OF MY APPEAL)*
(3084(2))

SIR, THE SCREENING FORM IS INACCURATE. I SUFFERED LOSS OF good time credits and privileges which IS A adverse effect. The (ISHO) ADVISED me at my cell door that I have a right to appeal her disposition and findings. The body of the (RVR) clearly and comprehensively stated I refused to accept a inmate assigned to D-8-219 which the reporting employee signed as a true and correct report. The (ISHO) had a predetermined belief and denied me my right to attend the hearing which A signed "WAIVER" was required. How can I exhaust my administrative remedy to the issue raised in my appeal? IS MY APPEAL REJECTED OR CANCELLED? How did you come to your personal conclusions without a investigation to the issue I raised? PLEASE REVIEW CCR. 3084.51, (1) 3(2) FOR PROCEDURAL AND DUE PROCESS VIOLATIONS

(OVER ON BACK)

THANK YOU!

**INMATE/PAROLEE
APPEAL FORM**
 CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. SVRP1. 07-01510

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

DND

FD-07-02-0084

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
<u>MARVIN HOLLIS</u>	<u>E-37508</u>	<u>*ACI-SPG*</u>	<u>D-8-220</u>

A. Describe Problem: This complaint is filed against Salinas Valley State Prison (CDC) M.P. MOORP, (SHD) R.I.A. BOR.CPILLA, and SGT.R.NAVA. On 3-21-07 I was denied a fair and impartial hearing to RVR#FD-07-02-0084 and procedural and my due process rights was violated. I was denied the opportunity to be present at my hearing and I did not sign a waiver nor is there a waiver in my central file indicating that I refused to sign a waiver which is in violation of CCR. 3370(g)(3).

If you need more space, attach one additional sheet.

* (SPP ATTACHMENT) *

B. Action Requested: FOR RVR#FD-07-02-0084 to be dismissed in the interest of justice or ordered to be reissued/reheard per CCR. 3084.5 (b)(1)3(2). THAT ALL LOSS TIME CREDITS AND PRIVILEGES BE RESTORED RELATED TO RVR#FD-07-02-0084, STOP SEGREGATION.

Inmate/Parolee Signature: Marvin H. Hollis BY RACE Date Submitted: 4-2-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

BYPASS

INMATE APPEAL
BRANCH

AUG 22 2007

RECEIVED

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

BYPASS
*Officer rejected by Harry Authority
 as staff complaint*

* (CONTINUED FROM SECTION (A) & (B)) *

THE ISHO ARBITRARILY FOUND ME GUILTY AND HER DECISION HAS NO BASIS IN FACT. THE HEARING WAS UNCONSTITUTIONAL AND ONE SIDED. NONE OF MY RELEVANT EVIDENCE, STATEMENTS TO THE INVESTIGATING EMPLOYEE, OR MITIGATING INFORMATION WAS CONSIDERED BY THE ISHO AT MY HEARING. THE ISHO HAD A PREDETERMINED BELIEF OF ME BEING GUILTY AND HER ARBITRARY GUILTY FINDING WAS BASED ON PERSONAL ANIMOSITY DUE TO HER BEING A DEFENDANT IN ONE OF MY CIVIL ACTIONS CASE # M71739. PER CCR 3320(1h); STAFF WHO OBSERVED, REPORTED, CLASSIFIED SUPPLIED SUPPLEMENTAL REPORTS TO, OR INVESTIGATED THE ALLEGED RULE VIOLATION, WHO ASSISTED THE INMATE IN PREPARING FOR THE HEARING; OR FOR ANY OTHER REASON HAVE A PREDETERMINED BELIEF OF THE INMATE'S GUILT OR INNOCENCE. "SHALL NOT HEAR THE CHARGES OR BE PRESENT DURING DELIBERATION TO DETERMINE GUILT OR INNOCENCE AND DISPOSITION OF THE CHARGES. THE REPORTING EMPLOYEE WAS DISHONEST IN HER REPORT AND APPEARED TO RACIALLY DISCRIMINATE BY ENFORCING SEGREGATION BY FORCING ONLY AFRICAN AMERICAN PRISONERS TO CELL UP. ALTHOUGH THERE WAS NEVER A INMATE ~~████████~~ BARNETT T-38323, ASSIGNED TO D-8-~~218~~ IT'S CLEAR FROM SGT. NAVA, WRITTEN REPORT SHE SEGREGATES BY RACE WHICH IS A VIOLATION OF CLEARLY ESTABLISHED FEDERAL LAW. RECORDS WILL SHOW NO INMATE BARNETT WAS EVER ASSIGNED TO D-8-219 WHICH CLEARLY SHOWS SGT. NAVA, LIED IN HER REPORT AND TO THE ISHO AT THE HEARING.

* (OVER ON BACK) *

(C)

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

A.A. Lamarque, R. Boccella, R. Reynaga; J. Crabtree

Does 1 to 4

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Marvin Glenn HollisFOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**FILED**

JAN 23 2006

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
PROSECUTOR DEPUTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California, County of Monterey
1200 Aguajito Rd.,
Monterey, CA 93940

CASE NUMBER:
(Número del Caso):

M71739

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Marvin Glenn Hollis, E-37508

P.O. Box 1060, D-5-207 Soledad, CA 93960

J. RODRIGUEZ

DATE: JAN 23 2006 LISA M. GALDOS Clerk, by _____, Deputy
(Fecha) (Nombre del Oficial) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under:	<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
	<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
	<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
	<input type="checkbox"/> other (specify):	

4. by personal delivery on (date):

to Records:

Date: 3/21/07

STATE OF CALIFORNIA

RULES VIOLATION REPORT

(2)

(B)

DEPARTMENT OF CORRECTION

CDC NUMBER D-37508	INMATE'S NAME HOLLIS	RELEASE/BOARD DATE 3/21/07	INST. SVSP	HOUSING NO. D8-113	LOG NO. ED-07-02-00
VIOLATED RULE NO.: COR §3005(b)	SPECIFIC ACTS WILLFULLY OBSTRUCTING A P.O./CELLMATE	LOCATION D8-'B' Pod	DATE 02/21/07	TIME 1545 hours	

CIRCUMSTANCES

On 02/21/07, at approximately 1545 hours, while I was assigned as D-8 Ad-Seg Sergeant, I notified Inmate HOLLIS (D-37508, D8-113) that he was expected to and would be receiving a compatible cellmate. Inmate HOLLIS refused to accept a compatible cellmate by stating, "I already told Committee that I wasn't accepting a cellie. They fuck with me, I'll fuck with them." I notified Inmate HOLLIS that he was in violation of Title 15, COR §3005(b) and O.P. #42. The need for housing in Ad-Seg is high and his refusal to accept a compatible cellmate would obstruct the program in D-8 Ad-Seg. A review of Inmate HOLLIS CDR-114-D indicated that he was Double Cell Approved by Captain B. Rankin on 12/02/06. I again notified Inmate HOLLIS that he was expected to and would be receiving a compatible cellmate. Inmate HOLLIS refused again by stating, "I ain't taking no cellie." I was attempting to call Inmate HOLLIS with Inmate BARRETT (T-38323, D8-219). Neither Inmate is listed on the others CDR-812, both Inmates are Black Non-Affiliates and Double Cell approved. Inmate HOLLIS continued to refuse to accept ~~any~~ the compatible cellmates. Inmate HOLLIS has received multiple CDR-115's for this same behavior on 02/15/06 and 07/24/06 for Willfully Obstructing a Peace Officer/Cellmate. Inmate HOLLIS was found Guilty in both cases. Inmate HOLLIS is aware of this report. Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the COOMS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) R. Nava, Correctional Sergeant	DATE 2-25-07	ASSIGNMENT D-8 ASU Sergeant	RDO'S F/S
REVIEWING SUPERVISOR'S SIGNATURE	DATE	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: D	CLASSIFIED BY (Typed Name and Signature) R. Bocella	HEARING REFERRED TO <input type="checkbox"/> NO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> F
COPIES GIVEN INMATE BEFORE HEARING			
<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) R. Bocella	DATE 1/27/07	TIME 1150
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) R. Bocella	DATE	TIME 1/27/07

HEARING: Please: Inmate HOLLIS refused to attend this CDR-115 hearing. The SHO proceeded with the hearing, entering a plea of **NOT GUILTY** on the Inmate's behalf.

Findings: Inmate HOLLIS was found **GUILTY** of COR §3005(b), specifically "Willfully Obstructing A Peace Officer," Division "D(6)" offense. This finding is based on the preponderance of evidence presented at the hearing which do substantiate the charge. The evidence presented at the hearing included: (Findings Con't See CDR-115C)

Disposition: Inmate HOLLIS was assessed 90 days forfeiture of credits in accordance with a Division "D(6)" offense per COR §3323(f)(6). Inmate HOLLIS was counseled, warned, and reprimanded. **X**

Additional Disposition: Inmate HOLLIS was assessed 90 days loss of privileges to begin on 03/22/07 through 06/21/07. Loss of privileges includes: Ten Days Loss Of Yard (From 03/22/07 through 03/31/07), Family Visits, Telephone, + Center Down, Quarterly Package and Special Purchase.

Classification Referral: N/A. Refer to IOC for Program Review and 'C' status placement. **X**

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	SIGNATURE	DATE	TIME
ACTION BY: (TYPED NAME) R.A. Bocella, Correctional Lieutenant	R.A. Bocella	03/21/07	0915
REVIEWED BY: (SIGNATURE) B. Rankin, Facility Captain	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
<input type="checkbox"/> COPY OF CDC 115-GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) R. Bocella	M. P. Moore III, CDO	DATE

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

(2)
(B)DEPARTMENT OF CORRECTION
PAGE 1 OF 2

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-02-0084	INSTITUTION SVSP	TODAY'S DATE 03/21/07	
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF:		<input type="checkbox"/> 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

Hearing Date: 03/21/07.

Time: 0915 hours.

Any Postponement Explained: N/A.

Inmate Plea and Statement: Inmate HOLLIS refused to attend this CCR-115 hearing. The SHO proceeded with the hearing entering a plea of NOT GUILTY on the Inmate's behalf.

Inmate's Health: Inmate HOLLIS refused to attend this hearing. Inmate was given an opportunity to attend, however elected not to participate, stated to Correctional Officers D. Ramos and Tran "I am cool." Inmate appears to be in good health as observed by this SHO and witnessed by Officers D. Ramos and Tran. The SHO elected to proceed with the disciplinary process (See attached CCR-1293).

MHSOS: Inmate HOLLIS is a participant in the Mental Health Services Delivery System at the COOMS level of care. The circumstances of the RVR do not indicate that Inmate HOLLIS exhibit any bizarre behavior that would raise concerns about his mental health. At the hearing, Inmate HOLLIS did not demonstrate any strange, bizarre, or irrational behavior.

IEE PROCESS: Date of Discovery: 02/21/07.

Hearing started on: 03/21/07.

Initial RVR copy served on: 02/25/07.

CCR-115-MI served on: N/A.

Incident Package served on: N/A.

I.E. document served on: 02/27/07.

D.A. results issued date: N/A.

Last document served on: 02/27/07.

D.A. Referral: This matter was not referred to the Monterey County District Attorney's Office.

Time Constraints: All time constraints have been met pursuant to CCR §3320(b). Inmate HOLLIS was provided a copy of the CCR-115 within 15 days after the discovery of information leading to the charges. Hearing was held within 30 days of the date the inmate was provided a copy of the CCR-115. Inmate HOLLIS received all documents used for this hearing 24 hours prior to the hearing.

TABE Score: Inmate HOLLIS TABE Reading Score was Above 4.0 as noted in the Central File.

Staff Assistant (SA): Staff assistant was not assigned per CCR §3315 (d)(2)(A). Due to Inmate HOLLIS's refusal to attend and/or participate in this RVR hearing, Officer D. Ramos will later inform Inmate HOLLIS of the results/outcome of the Disposition.

Investigative Employee (IE): Inmate HOLLIS requested and does meet the criteria for assignment of an Investigative Employee. Correctional Officer J. Spaulding was assigned. Officer J. Spaulding interviewed Inmate HOLLIS as part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate HOLLIS and follow up questions posed by I.E. for clarification purposes. Officer J. Spaulding prepared his report to include his summation of the facts, and provided a copy of the report to Inmate HOLLIS more than 24 hours prior to this hearing.

Evidence Requested or Used: Inmate HOLLIS requested the CCR-1892 and CCR-154 as evidence to be present at the hearing. SHO Denied, there was none generated. Inmate HOLLIS refused to ever exit his cell to talk to several Inmates that were compatible.

R.A. Boccella, Correctional Lieutenant

(DISPO CAN'T SEE CCR-115C PAGE 2)	SIGNATURE OF WRITER <i>R.A. Boccella</i>	DATE SIGNED 03/21/07
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>R.A. Boccella</i>	DATE SIGNED 03/21/07
		TIME SIGNED 03/21/07

STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTION

PAGE 2 OF 2

CDC NUMBER B-37508	INMATE'S NAME HOLLIS	LOG NUMBER FD-07-02-0084	INSTITUTION SISP	TODAY'S DATE 03/21/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

External/Outside Evidence: N/A. Video Tape Evidence: N/A. Confidential Information: N/A.

Witness Requested: Inmate HOLLIS did request Reporting Employee Sergeant R. Nava as witness to be present at the hearing; S/D Granted.

Witness Testimony at Hearing: Reporting Employee Sergeant R. Nava stated at the hearing that "Inmate HOLLIS refuse to submit to cuffs to even talk to anyone. There was no CCR-1882 and CCR-154 because Inmate HOLLIS refused to accept any cellie, before I could not initiate move and forms."

Heavy Concerns: There was no heavy concerns related with this disciplinary hearing.

Findings: Inmate HOLLIS is found GUILTY as charged. This finding is based upon the following preponderance of evidence:

1) RVR Log #FD-07-02-0084, authored by Reporting Employee (R.E.) Correctional Sergeant R. Nava:

- a) Reporting Employee Sergeant R. Nava informed Inmate HOLLIS (B-37508) that he was expected to and would be receiving a compatible cellmate per O.P. #42 signed by the Warden.
- b) Sergeant R. Nava was an eyewitness to Inmate HOLLIS refusing to accept a compatible cellmate, by stating "I already told Committee that I wasn't accepting a cellie. They fuck with me, I'll fuck with them."
- c) Sergeant R. Nava informed Inmate HOLLIS that his excuses were not acceptable, Inmate HOLLIS refused again, stating "I ain't taking no cellie."
- d) A review of Inmate HOLLIS CCR-114D indicated that he was double cell approved by Captain B. Rankin on 12/02/06.
- e) Sergeant R. Nava was attempting to house Inmate HOLLIS with Inmate FARNETT (I-39323).

2) Inmate HOLLIS failed to provide a defense to the charges on his behalf. *

CONCLUSION: Based on the aforementioned facts, this SIO finds the preponderance of the evidence relied upon has been met to render and sustain a finding of Guilt on the charged offense of Inmate HOLLIS violating CCR §3005(b), specifically, "Willfully Obstructing A Peace Officer," a Division "D(6)" offense per CCR §3323(f)(6).

Appeal Rights: Inmate HOLLIS was advised of his rights to appeal per CCR section §3084.1 (a). Inmate HOLLIS was informed he would receive a copy of the completed RVR upon final review of the Chief Disciplinary Officer. Inmate HOLLIS was further advised of credit restoration per CCR §3327 and §3328.

R.A. Boccella, Correctional Lieutenant

SIGNATURE OF WRITER <i>R.A. Boccella</i>		DATE SIGNED 03/21/07
<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>R.A. Boccella</i>	DATE SIGNED 03/21/07
		TIME SIGNED 12:00

SERIOUS RULES VIOLATION REPORT

CDC NUMBER E-37508	INMATE'S NAME HOLLIS	VIOLATED RULE NO(S). C.C.R. §3005(b)	DATE 02/21/07	INSTITUTION SVSP	LOG NO. FD-07-02-0084
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT

 YES NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
---------------------------------	-------------

N/A

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ► N/A	DATE
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STAFF ASSISTANT

STAFF ASSISTANT	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	►	
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON	<i>DNMC per Title 15, Sec. 3315- GPL: 8</i>

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
<input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	►	
<input checked="" type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON	<i>DNMC per Title 15, Sec. 3315</i>

EVIDENCE / INFORMATION REQUESTED BY INMATE:

None

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

<input checked="" type="checkbox"/> REPORTING EMPLOYEE <input type="checkbox"/> STAFF ASSISTANT <input type="checkbox"/> INVESTIGATIVE EMPLOYEE <input type="checkbox"/> OTHER	<input type="checkbox"/> NONE		
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED NOT GRANTED
_____	<input type="checkbox"/> <input type="checkbox"/>	_____	<input type="checkbox"/> <input type="checkbox"/>
_____	<input type="checkbox"/> <input type="checkbox"/>	_____	<input type="checkbox"/> <input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

(I.E. DON'T SEE CCR-115-C)

J. Spaulding, Correctional Officer

INVESTIGATOR'S SIGNATURE ►	DATE
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<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ► <i>J. Celaya</i>	TIME 1150	DATE 2/25/07
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STATE OF CALIFORNIA

RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTION

PAGE OF

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
E-37508	HOLLIS	FD-07-02-0084	SVSP	02/26/07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

On 02/26/07, I, Correctional Officer J. Spaulding was assigned as Investigative Employee for ODR-115, Log FD-07-02-0084. I informed Inmate HOLLIS of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Inmate HOLLIS stated that he had no objections to my serving in this capacity.

DEFENDANT'S STATEMENT: On 02/26/07, I interviewed Inmate HOLLIS (E-37508) regarding the disciplinary charges, and Inmate HOLLIS made the following statement: "I request to be found not guilty in the interest of justice. There is not an inmate BARNETT assigned to D8-219 as addressed in the written report. There was not a ODR-1882-B or ODR-154 generated on 02/21/07 for an inmate to be assigned to my cell. I'm currently deemed a threat to the safety and security to the institution, staff and other inmates and I'm currently assigned walk-alone status by IOC Committee. I request ODR-1882-B or ODR-154 to be evidence at hearing."

REPORTING EMPLOYEE'S STATEMENT: On 02/26/07, I interviewed Correctional Sergeant R. Nava, regarding Inmate HOLLIS disciplinary charges, and Sergeant R. Nava, made the following statement: "Inmate HOLLIS refused to take a compatible cellie and stated that he told Committee that he would not accept a cellmate."

INVESTIGATIVE EMPLOYEE'S STATEMENT: On 02/26/07, I, Correctional Officer J. Spaulding made the following statement: "I interviewed all Staff and Inmate HOLLIS concerning this RVR". (Inmate BARNETT WAS NOT INTERVIEWED)

Inmate HOLLIS requested the following witnesses to be present at the disciplinary hearing.

NAME	POSITION	RDO'S
Sergeant R. Nava	D-Program Sgt	F/S

Request ODR-1882-B or ODR-154 to be evidence at hearing.

J. Spaulding, Correctional Officer

SIGNATURE OF WRITER	DATE SIGNED	
<i>J. Spaulding</i>	2/27/07	
GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
<i>J. Colaosa</i>	2/27/07	1130



COPY OF CDC 115-C GIVEN TO INMATE